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FYI . . .

· **INDUSTRY ATTORNEY CAUTIONS AGAINST QUICK FEDERAL REGULATION IN RESPONSE TO SPILL:** Oil and chemical industry attorney Richard Faulk cautioned Senate Environment and Public Works subcommittee members today against jumping to a federal regulatory response to last month's West Virginia chemical spill.

Faulk, a partner at Washington law firm Hollingsworth LLP, said in his testimony that he has not been paid to appear at today's hearing or to speak on behalf of the industry, but he touted its general priority on safety.

"I think we should be cautious," he said of talk of new federal legislation and regulations. "The aftermath of any complex accident generates a certain fog where the sheer volume of information, mixed with the shock, alarm, fear and confusion of the moment can obscure clear deliberations.

"Sometimes when that fog clears, federal intervention may be unnecessary," he added.

— Erica Martinson

· **CAPITO BEMOANS INADEQUATE INFORMATION FOLLOWING W.VA. SPILL:** Rep. Shelley Moore Capito bemoaned a pattern of poor and incorrect information that agencies and private industry gave to people in West Virginia during last month's chemical spill.

"One of the things that rocked me was the [Centers for Disease Control and Prevention] came in and said" the water was safe, and then two days later told pregnant women they should not drink it, Capito said at the start of today's hearing. "What kind of signal does that send if you're a family?"

Capito, a Republican running to replace retiring Democratic Sen. Jay Rockefeller, decried what she called a "slow bleed of misinformation," including from Freedom Industries itself.

Not until several days after the spill did residents find out that there were two chemicals spilled, rather than one. "That does nothing for the confidence of any family living there that this is under any control at all," Capito said.

"We had to wait for somebody to smell something nearby ... then and only then did the company say something's been leaking," she said. And then it came out that it had been possibly leaking for 10 hours already, she added.

The "state legislature is moving quickly towards passing a new law, and I support state level efforts," she said. "I'm a mother, a grandmother, I live in the Kanawha Valley. I understand the anger and trepidation that people feel because I feel it too," she said.

-- Erica Martinson

TENNANT CALLS FOR LONG-TERM STUDY ON EFFECTS OF WEST VIRGINIA SPILL: West Virginia Secretary of State and U.S. Senate candidate Natalie Tennant today asked a Senate Environment and Public Works subcommittee to support a 10-year study to monitor the health of people exposed to crude MCHM during last

month's chemical spill in her state.

The long-term study was proposed by Dr. Rahul Gupta, executive director of the Kanawha-Charleston Health Department.

Businesses in West Virginia need certainty to get back to normal, Tennant said, pointing to one restaurant that lost \$40,000 during the water ban and another \$39,000 reopening and supplying water and ice for customers who are wary of tap water. The Charleston Visitors Bureau estimated \$1 million in losses from 12 businesses surveyed so far.

— *Erica Martinson*